

Message Text

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ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-04 H-01 INR-07
L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
TRSE-00 NSCE-00 SSO-00 USIE-00 INRE-00 SY-05
USSS-00 MCT-01 A-01 /059 W
-----271051Z 077739 /12

O R 271015Z MAY 77
FM AMEMBASSY NICOSIA
TO SECSTATE WASHDC IMMEDIATE 5915
INFO AMEMBASSY ANKARA
AMEMBASSY ATHENS
AMEMBASSY LONDON

C O N F I D E N T I A L SECTION 1 OF 2 NICOSIA 1413

E.O. 11652: GDS
TAGS: PFOR, CY
SUBJECT: DAVIES TRIAL

REF: NICOSIA 1380

SUMMARY: PATHOLOGIST REPORT ESTABLISHED FATAL SHOTS COULD NOT HAVE BEEN FIRED FROM WITHIN EMBASSY. THEY CAME FROM SOME DISTANCE AWAY, PROBABLY FROM SAME POINT, AND WERE IN AN UPWARD TRAJECTORY. FORMER CHIEF/CYPOL PANTELIDES' TESTIMONY WAS AMBIVALENT AND AMBIGUOUS. CYPOL INSPECTOR PETRIDES' TESTIMONY, AS WE ASSESS IT, WAS HARMFUL TO PROSECUTION IN MANY AREAS, ESSENTIALLY BECAUSE OF HIS LACK OF PROFESSIONALISM IN CONDUCTING INVESTIGATION. COURT'S REASONING FOR SHORT IMPRISONMENT TERMS FOR CHARALAMBOUS AND SAVVA SET FORTH. HIGHLIGHTS OF MAY 19 AND 20 PROCEEDINGS, NOT PREVIOUSLY REPORTED, ARE DESCRIBED BELOW. END SUMMARY.

1. PROCEEDINGS OF MAY 19. DR. PANOS STARVRINOS, PATHOLOGIST, TESTIFIED HE MADE THE POSTMORTEM EXAMINATION. THE ENTRY WOUND INTO THE AMBASSADOR'S BODY WAS ONE AND A HALF
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INCHES IN DIAMETER, ON THE LEFT SIDE OF THE BACK BETWEEN THE EIGHTH AND NINTH RIBS; THE EXIT WOUND WAS TWO AND A HALF INCHES IN DIAMETER, BETWEEN THE THIRD AND FOURTH RIBS. THE ENTRY WOUND OF MISS VARNAVA WAS TWO INCHES BEHIND THE RIGHT EAR. THE BULLET DESTROYED THE RIGHT SIDE OF HER HEAD. THE AMBASSADOR'S DEATH WAS FROM SHOCK AND HEMORRHAGE. MISS VARNAVA WAS KILLED INSTANTLY. THE

SHOTS WERE FROM A LONG DISTANCE AND PROBABLY BOTH FATAL SHOTS WERE FIRED FROM THE SAME POINT. BOTH BULLETS WERE RISING WHEN THEY STRUCK THE VICTIMS.

2. DR. CHRISTODOULAKIS, NEW NICOSIA CLINIC, TESTIFIED AMBASSADOR DAVIES WAS BROUGHT TO HIS CLINIC AT 1300 HOURS ON AUGUST 19, 1974. HE DETERMINED THE AMBASSADOR WAS DEAD AND ARRANGED FOR THE BODY TO BE REMOVED TO THE MORGUE.

3. FORMER CHIEF/CYPOL MICHALAKIS PANTELIDES TESTIFIED THAT:

A. HE KNOW KTIMATIAS AND HAD NOT SECONDED HIM TO THE NATIONAL GUARD. HE ADMITTED SOME PERSONS WERE SERVING WITH THE NATIONAL GUARD AND THE POLICE AT THE SAME TIME IN AUGUST 1974, BUT DID NOT KNOW IF KTIMATIAS WAS ONE OF THEM.

B. ALL POLICE AT THAT TIME HAD PERMISSION TO CARRY GUNS. HE AGREED IT WOULD BE UNUSUAL FOR A POLICEMAN TO CARRY TWO AUTOMATIC WEAPONS AND A PISTOL, AS WAS THE CASE WITH SAVVA ON AUG. 19.

C. HE HAD BEEN ASSURED BY PASYDY (GOVERNMENT EMPLOYEE FEDERATION) THE DEMONSTRATION WOULD BE PEACEFUL. HE LEARNED LATER THAT EXTREMISTS HAD JOINED THE PROCESSION WITH IRON CLUBS, PETROL CANS AND OTHER THINGS. HE SENT FOR REINFORCEMENTS.

D. HE DID NOT SEE ANY ARMED DEMONSTRATORS AT THE EMBASSY. HE SAW TEAR GAS BEING THROWN OR FIRED FROM THE EMBASSY.

E. HE WAS NOT SURE WHO HAD CONDUCTED TH ORIGINAL DAVIES INVESTIGATION, BUT REMEMBERED SUPT. KYRIACOS

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SOLOMONIDES WAS INVOLVED. HE DID NOT FOLLOW THE INVESTIGATION SINCE THE TURKISH INVASION OCCUPIED ALL HIS TIME. HE DID NOT KNOW WHETHER THERE WAS ANOTHER SOLOMIDES ON THE FORCE. HE HAD NO PERSONAL KNOWLEDGE CONCERNING THE LOST DAVIES INVESTIGATION FILE. HE SAID SAVVAS ANTONIOU REPLACED HIM AS CHIEF/CYPOL ON AUGUST 24, 1974.

4. INSPECTOR MICHAEL KOMODIKIS TESTIFIED THAT WHEN HE ARRESTED LEFTIS ON FEB. 4, 1977, LEFTIS SAID, "I KILLED THE AMBASSADOR? I ARRIVED AT THE EMBASSY AFTER THE CRIME AND UPON INSTRUCTIONS OF GENERAL AZINAS."

5. DEMETRAKIS IOANNIDES, REPORTER/PHOTOGRAPHER, TESTIFIED HE SAW SAVVA, IN POLICE UNIFORM WITH A LAND ROVER, AT THE PASYDY HEAD-QUARTERS DEMONSTRATION AT ATBOUT 0945 HOURS ON AUGUST 19. IOANNIDES WAS AT THE EMBASSY FROM 1100 UNTIL 1315 HOURS. HE DID NOT SEE SAVVA THERE.

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O R 271015Z MAY 77
FM AMEMBASSY NICOSIA
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C O N F I D E N T I A L SECTION 2 OF 2 NICOSIA 1413

6. CHIEF INSPECTOR ANTONIS PETRIDES TESTIFIED AS FOLLOWS:

A. IN MAY 1976 HE WAS ASSIGNED TO THE CASE. HE LEARNED OF PREVIOUS DAVIES MURDER INVESTIGATION BY SUPT. K. SOLOMONIDES. HE TRIED TO TRACE THE ORIGINAL STATEMENT BY KTIMATIAS BUT LEARNED FILE WAS LOST.

B. HE SEARCHED KTIMATIAS' HOUSE ON MAY 27, 1976, IN KTIMATIAS' PRESENCE. HE FOUND NUMEROUS ARTICLES OF MILITARY (OFFICER'S) CLOTHING AS WELL AS A BAYONET IN KTIMATIAS' CAR.

C. HE SEARCHED SAVVA'S HOUSE ON JULY 27, 1976, BUT FOUND NO ARMS OR AMMUNITION.

D. HE TOOK A STATEMENT FROM CHARALAMBOUS ON DEC. 16, 1976.
(NOTE: AT THIS POINT THE DEFENSE OBJECTED, STATING THE STATEMENT WAS OBTAINED THROUGH CYPOL PRESSURE AND PROMISES; THAT PETRIDES HAD SHOWN CHARALAMBOUS A FILM, THEN PRESSED HIM TO ADMIT HE WAS AT THE SCENE. PETRIDES DENIED THESE ALLEGATIONS. ON CROSS-EXAMINATION, HOWEVER, HE ADMITTED TRYING TO SHOW THE ACCUSED THE FILM BUT HIS PROJECTOR WAS BROKEN. PETRIDES SAID HE OBTAINED THE FILM FROM THE AMERICAN EMBASSY, AND REVIEWED IT AGAIN AT THE EMBASSY THREE DAYS OR SO AFTER INTERROGATING CHARALAMBOUS.)

E. HE STATED THAT MANY POLICE AND ONE OR TWO WITNESSES HAD SEEN THE EMBASSY FILMS OF THE RIOTS. WHEN ASKED, "IN YOUR INVESTIGATION, WERE YOU HELPED BY FOREIGN SERVICES", THE PROSECUTION

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TIGATION, WERE YOU HELPED BY FOREIGN SERVICES", THE PROSECUTION

INTERRUPTED PETRIDES' RESPONSE AND OBJECTED. THE JUDGE TOLD THE DEFENSE THAT THIS LINE OF INQUIRY COULD NOT BE PURSUED.

F. WHEN ASKED IF CYPOL HAD EXAMINED THE POSSIBILITY THE VICTIMS MAY HAVE BEEN KILLED BY SOMEONE WITHIN THE EMBASSY, PETRIDES SAID CYPOL HAD TAKEN STATEMENTS FROM ALL THE EMBASSY STAFF AND FROM CYPOL FORENSIC EXPERTS. CYPOL WAS SATISFIED THE FATAL SHOTS WERE NOT FIRED FROM WITHIN THE EMBASSY.

G. HE SAID HE HAD KNOWN KTIMATIAS SINCE THE EOKA DAYS, 1955-59. HE DID NOT KNOW IF KTIMATIAS HAD A PERMIT TO CARRY A PISTOL ON AUGUST 19, 1974. THE DEFENSE SUBMITTED THAT AT THE KTIMATIAS ARMS CACHE TRIAL IN SEPTEMBER 1976 IT WAS A MATTER OF EVIDENCE THAT KTIMATIAS HAD BEEN IN LEGAL POSSESSION OF A POLICE PISTOL AND A STEN-GUN. END OF MAY 19 PROCEEDINGS.

7. PROCEEDINGS OF MAY 20:

A. THE CHARALAMBOUS GUILTY PLEA. THE PROSECUTION ANNOUNCED THAT CHARALAMBOUS HAD PLEADED GUILTY TO RIOTING AND POSSESSING ILLEGAL EXPLOSIVES. THE ACCUSED HAD ADMITTED PICKING UP TWO OR THREE STICKS OF DYNAMITE, THEN DISCARDING THEM WITHOUT USING THEM. THE ACCUSED HAD NO PRIOR CRIMINAL RECORD. THE DEFENSE STATED THAT THE ACCUSED'S FAMILY HAD LOST ELEVEN PERSONS DUE TO THE INVASION; THAT HE HAD FOUGHT THE TURKS; THAT HE WAS A REFUGEE AND THE FATHER OF FOUR SMALL CHILDREN; THAT HE HAPPENED ON THE DEMONSTRATION BY CHANCE, LIMITED HIS ACTIONS TO SHOUTING OBSENITIES UNTIL HE SAW THE DYNAMITE, PICKED IT UP, REALIZED HIS MISTAKE, THEN DISCARDED IT. THE COURT SAID THAT RIOTING COULD RESULT IN A THREE-YEAR SENTENCE; ILLEGAL POSSESSION OF EXPLOSIVES, TEN YEARS; BUT IN VIEW OF CHARALAMBOUS' CLEAN RECORD AND PERSONAL HARDSHIP SITUATION HE WOULD BE SENTENCED TO THREE MONTHS ON EACH COUNT, TO RUN CONCURRENTLY.

B. THE SAVVA GUILTY PLEA. SAVVA PLEADED NOT GUILTY TO ALL COUNTS EXCEPT RIOTING. THE PROSECUTION AGREED, STATING IT HAD LEARNED JUST THAT MORNING THAT SAVVA HAD THE PROPER AUTHORITY TO CARRY HIS POLICE PISTOL. THE PROSECUTION CONTENTED, HOWEVER, THAT SAVVA'S PRESENCE AT THE RIOT, ARMED AND IN AN ALMOST CONFIDENTIAL

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PLETE POLICE UNIFORM, SHOULD HAVE RESULTED IN HIS HELPING TO DISPERSE THE RIOT. INSTEAD, HIS ACTIONS GAVE THE RIOTERS ENCOURAGEMENT AND ACTUALLY HELPED PROLONG THE RIOT. THE COURT HELD THAT ALTHOUGH A THREE-YEAR SENTENCE COULD BE IMPOSED, IT WOULD TAKE INTO CONSIDERATION THAT SAVVA HAD LOST ALL HIS PROPERTY TO THE TURKS, HIS NEPHEW HAD BEEN KILLED, AND THE PUNISHMENT MIGHT ADVERSELY AFFECT HIS POLICE CAREER. HE WAS GIVEN AN EIGHT-MONTH SENTENCE TO RUN FROM THE DAY OF HIS ARREST IN EARLY FEBRUARY. END OF MAY 20 PROCEEDINGS.

8. NOTE: THIS IS THE FIFTH IN A SERIES OF ROUNDUP TELEGRAMS ON THE TRIL INTENDED TO PROVIDE A COMPREHENSIVE RECORD. WE ARE REPORTING IMPORTANT INDIVIDUAL DEVELOPMENTS (SUCH AS LEONIDA AC-

QUITTAL-REFTEL) BY SEPARATE CABLES WHICH ARE SOMETIMES OUT OF
ROUNDUP SEQUENCE.
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